

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 21, 2003

TO: Internal File

THRU: Dave Darby, Senior Reclamation Hydrologist/Team Lead

FROM: Dana Dean, P.E., Senior Reclamation Hydrologist/Inspector

RE: 2003 Midterm Review, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #1693

SUMMARY:

The Division initiated a midterm review of the Emery Deep Mine via correspondence with Mr. John A. Gefferth of Consolidation Coal Company on September 16. The letter outlined the following elements as those selected for review:

- "1. An AVS check to ensure that Ownership and Control information is current and correct.*
- 2. A review to ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program, which have occurred subsequent to permit approval (One area of emphasis is to ensure compliance with the U. S. Fish and Wildlife Windy Gap Process).*
- 3. A review of the plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the plan document.*
- 4. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.*
- 5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars*

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6. *The Division may conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.”*

Division representatives conducted a site visit on October 23.

This memo addresses items 1, and 3.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The ownership and control information is in appendix I-1 of the mining and reclamation plan (MRP). As part of the amendment to abate N03-39-1-1, the Permittee provided updated ownership information. The Division’s Technical Analysis found that the narrative in Chapter I does not reflect the new information found in Appendix I-1.

Consol Energy is currently in the process of selling the Emery Deep Mine to C&P Coal Company. C&P has filed a request for transfer of the permit.

Findings:

R645-301-112.320, The Permittee must update the narrative on page 6 of Chapter I of the MRP to reflect the information found in the new Appendix I-1.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

The Division issued a notice of violation (NOV) to the Emery Deep Mine on January 9, 2003 for allowing coal fines to blow onto the undisturbed area (N03-39-1-1). The Permittee is still working on the abatement for the NOV. The Division recently extended the abatement deadline to October 31. The current Permittee (Consol Energy) has committed to complete the abatement, even if the sale goes through before it is finished. The current abatement plan calls for the addition of a wind fence, placing jersey barriers between the coal pile and road, re-routing the road, installation of a cattle guard where fines can fall out of wheels before leaving the property, and water cannons to spray the coal pile when winds are high.

Findings:

R645-400.324-325, The Permittee must abate N03-39-1-1 within the time-frame set by the Division. The Division recently granted the Permittee an extension to abate the violation until October 31, 2003.

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL

Regulatory References: 30 CFR773.17; R645-300-140; R645-300-145.

Analysis:

The Division issued the current permit on February 8, 2001. It expires February 8, 2006. There is one stipulation attached to the permit, that Consolidation Coal Company submit water monitoring data for the mine **electronically** through the Division's Electronic Data Input (EDI) page at <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>. The Permittee has complied with the stipulation.

Findings:

The Permittee has complied with the Special Conditions or Stipulations to the Permit Approval section of the regulations.

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RECOMMENDATIONS:

The Permittee should abate N03-39-1-1 as soon as possible. Also, since a complete copy of the MRP is not available on-site, they should obtain one to keep updated on-site.

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